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April 15, 2005

Thomas R. Pinkos, Executive Director
California Regional Water Quality Control Board - Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6774

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Re: Notice of Objection to Tentative NPDES Order, Bear Valley Water District
(BVWD) Wastewater Treatment Plant, Alpine County

Dear Mr. Pinkos:

Stockton East Water District (SEWD) objects to the above referenced order. SEWD commented on BVWD previous NPDES permit request in June 2001. Our 2001 comment letter is attached, and remains pertinent in supporting our objection.

SEWD receives water from both the Calaveras and Stanislaus River watersheds. Blood Creek, which is the proposed receiving waters for BVWD's NPDES permit, is a tributary to the headwaters of the North Fork Stanislaus River. SEWD distributes water for irrigation and provides drinking water to the City of Stockton metropolitan area. Wastewater discharges into these watersheds are of concern to SEWD because they increase potential impacts to our agricultural customers and drinking water treatment plant from bacteria, pathogenic cysts, viruses, metals, nutrients and organics. SEWD is regulated by DHS. In setting treatment requirements, DHS takes into consideration impacts such as wastewater discharges in the watershed.

In 2001, SEWD stressed reclamation, reuse, land disposal, and a comprehensive plan for increased demand on facilities be considered and implemented before the consideration of an NPDES permit. In a 3 to 3 vote, the Regional Board placed BVWD's NPDES permit request on hold and required BVWD to develop and implement a Land Disposal Maximization Plan (LDMP).

The LDMP was submitted and approved in May 2002. The LDMP included five preferred actions:

1. A water conservation program;
2. An infiltration and inflow (I/I) reduction program;
3. Increased irrigation application, both by increasing permitted lands and by more efficient usage of already permitted lands;
4. Enhanced evaporation when needed; and
5. Application for extension of the United States Forest Service (USFS) Special Use Permits beyond the existing 2011 and 2015 expiration dates.

The LDMP concluded that, with implementation of the five preferred actions and the continued availability of the 40 acres of additional USFS disposal land added in 2001, BVWD will have enough capacity for several back to back 100-year precipitation seasons and still accommodate the current growth rate to the year 2015. The LDMP's water balances also indicated that, even without the 40 acres of additional USFS disposal land, BVWD would have enough capacity for a one 100-year precipitation season. Based on the completion of the LDMP and many of the

details of the LDMP already being implemented, Cease & Desist Order No. 5-01-209 was rescinded in June 2002.

Implementation of the LDMP has worked very well. There have been no uncontrolled spills from storage since its implementation. For the past three years, BVWD has been able to empty their storage pond well before the winter. Even this year, with heavy rain and snow the 326 AF storage pond is only one third full and BVWD anticipate being able to empty it before next winter. Regional Board staff and BVWD's staff have confirmed these facts.

In a telephone conversation with BVWD staff on April 11, 2005, staff stated that they could not foresee the need for an NPDES permit except perhaps in the event of multiple back-to-back 100 percent precipitation years. Land disposal has been working well and the only concern BVWD staff voiced was the potential, although unlikely, loss of the USFS 40 acres disposal site in 2011. BVWD assured SEWD staff BVWD would meet its requirements under the LDMP until 2015. BVWD indicated Regional Board staff asked BVWD to apply for the NPDES permit in the event that there was every a need for an emergency release from storage or uncontrolled spill BVWD would have a permit in place.

Considering the success of the LDMP, it was unclear to SEWD why Regional Board staff would make such a request to BVWD. To further SEWD's understanding staff engaged in telephone and written communications with Eco:Logic, the engineering firm that developed BVWD's LDMP, regarding BVWD's request for a NPDES permit. Eco:Logic said the water balance for the LDMP was based on an average growth rate of four homes (or equivalents) per year. Eco:Logic also stated that BVWD had requests for service from large developments within the BVWD in 2000, 2001, and 2002, but these projects were not included in the LDMP's water balance. Eco:Logic cites this additional growth rate, known before the LDMP was approved and Cease & Desist order removed, and not potential multiple wet years as the reason for a NPDES permit request. It appears what is being proposed as an occasional discharge for back-to-back wet years will become a necessary annual discharge as a solution to unplanned for, but not unexpected demand on BVWD facilities.

It is understood that construction is scheduled to begin on the first phase (21 units) of a four-phase 95-unit condominium project this summer. In addition, another subdivision of 54 to 65 units is near approval. As in 2001, the only solution being entertained by BVWD is a NPDES permit for dealing with increase wastewater loading.

SEWD understands BVWD is struggling with a facility built in the 1970's, which is trying to meet 2005 regulations. We understand that there have been no substantial upgrades to the facility and it appears minimum maintenance over the years. Regulations change and facilities must adapt to those changes. BVWD has made few provisions for changing regulations, facility upgrades, or increased demand over the last 30-years and therefore are unrealistic in their expectations to be able to fulfill commitments made those 30 years ago.

Thomas R. Pinkos, Executive Director
April 15, 2005
Page 3 of 3

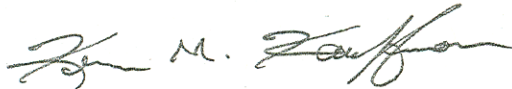
From 1995 to 1999 BVWD discharged over 15 million gallons of treated and disinfected wastewater to Blood Creek. BVWD could see no solution, but a NPDES permit. But when the Regional Board placed a Cease & Desist order on BVWD, an incentive was found. BVWD developed a plan that worked, at least long enough to remove the Cease & Desist order. It seems an equivalent incentive would yield similar success.

A NPDES permit is not a solution to increase demand on wastewater treatment facilities. Alternatives include providing tertiary treatment, finding creative solutions for reuse and recycling, developing stringent conservation plans, all protect downstream beneficial uses (our ecology and our drinking water source).

In summary, BVWD needs to develop a comprehensive plan for its facilities at the heart of which is reuse and recycling, and failing this, tertiary treatment for any discharge to protect the downstream beneficial uses. If the Regional Board insists on issuing the above referenced order, SEWD requests that tertiary treatment be required as a condition of any discharge. Although SEWD prefers that a NPDES permit for BVWD not be considered.

Thank you for the opportunity to comment. If you have any questions regarding this matter, please contact Jeanette Thomas (209) 948-0333.

Sincerely,



Kevin M. Kauffman, P.E.
General Manager

cc: Board of Directors
Mr. Joe Spano, Department of Health Services, Stockton